IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Stephen M. Key

RECEIVED
CENTRAL FAX CENTER

APPLICATION NO.:

10/005,428

JAN 2 6 2005

FILING DATE:

December 3, 2001

TITLE:

Rotating Label System

. A----

EXAMINER:

Daniel R. Zirker

ART UNIT:

1771

CONF. NO.:

1741

ATTY.DKT.NO.:

PA2321US

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to the U.S. Patent Office's Centralized Facsimile Number at 1.703.872.9306 on January 26, 2005.

Susan Yee

COMMISSIONER FOR PATENTS P.O. BOX 1450 ARLINGTON, VA 22313-1450

RESPONSE TO NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)

SIR:

In response to the *Notice of Non-Compliant Amendment* mailed January 18, 2005, applicant herein submits a "listing of claims" that "include[s] the text of all pending claims." Specifically, applicant notes the cancelled status of claims 27-31. This response is submitted within the one-month reply period as the non-compliant amendment was a part of an RCE submission.

CARR & FERRELL LLP ATTORNEYS AT LAW

2200 GENG ROAD • PALO ALTO, CALIFORNIA 94303 TELEPHONE (650) 812-3400 • FACSIMILE (650) 812-3444 RECEIVED CENTRAL FAX CENTER

JAN 2 6 2005

FACSIMILE COVER SHEET

Company: Fax Number:

United States Patent & Trademark Office

(703) 872-9306

From:

Susan Yee

Phone Number:

(650) 812-3423

Fax Number:

(650) 812-3444

Date:

January 26, 2005

Total pages:

8 (includes cover sheet)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

MESSAGE:

Please see attached.

Signature

PTO/SB/21 (02-04) Approved for use through 07/31/2008, OMB 0851-0031 U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE collection of information unless it displays a valid OMB control matter. Under the Paper-rock Reduction Act of 1995, no persons are reputred to respond to Application Number 10/005.428 RECEIVED Filing Date TRANSMITTAL December 3, 2001 DEISTRAL FAK CENTER FORM First Named Inventor Stephen M. Key Art Unit 1771 **IAN 2** 2005 (to be used for all correspondence after initial filing) Examiner Name Daniel R. Zirker Attorney Docket Number **PA2321US** Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance communication to Technology Center (TC) Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) V Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Terminal Disclaimer (dentify below): Extension of Time Request Request for Refund Express Abendonment Request CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Cust. No. 22830 Carr & Ferrell LLP Individual name Reg. No. 41,388 Signature Date January 26. **2005** CERTIFICATE OF TRANSMISSION/MAILING I hereby cartify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Susan Yee

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burdon, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

January 26, 2005

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.